

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *eg* D.C.

05 NOV 23 PM 5:01

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TENNESSEE

UNITED STATES OF AMERICA

*

Plaintiff,

*

v.

*

Crim. No. 05-20103-MI

YAW OPARE DIGGS,

*

Defendant.

*

*

PRELIMINARY ORDER OF FORFEITURE

In Indictment Number 05-20163, the United States sought forfeiture of specific property of defendant Yaw Opare Diggs, pursuant to 31 U.S.C. §§5332(b) and (c)(3). On July 22, 2005, the defendant pleaded guilty as charged in Count 1 of the Indictment. The plea agreement also provided that the defendant would forfeit specified property to the United States.

Accordingly, it is **ORDERED**:

1. Based upon the defendant's plea of guilty as to Counts 1 through 3 of Indictment Number 05-20163, the United States is authorized to seize the following property belonging to defendant Yaw Opare Diggs, and his interest in it is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. §853(n) and Rule 32(d)(2) of the Federal Rules of Criminal Procedure:

The Sum of Sixteen Thousand Dollars (\$16,000.00) in United States currency.

2. The forfeited property is to be held by United States Immigration and Customs Enforcement in their secure custody, or a substitute custodian may be appointed if necessary.

3. Pursuant to 21 U.S.C. § 853(n)(1), United States Immigration and Customs Enforcement shall publish at least once a week for three successive weeks in a newspaper of general circulation in Shelby County, Tennessee, notice of this order, notice of the United States' intent to dispose of the property in such manner as the Attorney General or his delegate may direct, and notice that any person, other than the defendant, having or claiming a legal interest in any of the above-listed forfeited property must file a petition with the court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in each of the forfeited properties and any additional facts supporting the petitioner's claim and the relief sought. United States Immigration and Customs Enforcement or its delegate may use the attached Legal Notice.

The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in property that is the subject of this Preliminary Order of Forfeiture, as a substitute for published notice as to those persons so notified.

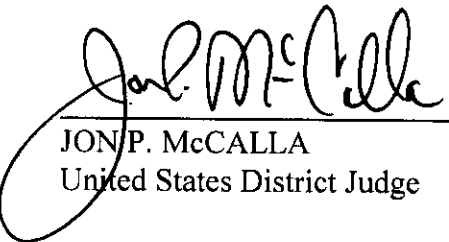
4. Pursuant to Fed. R. Crim. P. 32.2(b)(3), this Preliminary Order of Forfeiture is final as to the defendant as of the date of his sentencing, and has been made part of the sentence and included in the judgment.

5. If no third party files a timely claim, this Order shall become the Final Order of Forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2).

6. The United States shall have clear title to the Subject Property following the Court's disposition of all third-party interests, or, if none, following the expiration of the period provided in 21 U.S.C. § 853(n)(2), which is incorporated by 18 U.S.C. § 982(b) and 28 U.S.C. § 2461(c), for the filing of third party petitions.

7. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

IT IS SO ORDERED this 23 day of Nov., 2005.


JON P. McCALLA
United States District Judge

PRESENTED BY:

TERRELL L. HARRIS
United States Attorney

By:


CHRISTOPHER E. COTTEN
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF TENNESSEE
WESTERN DIVISION

UNITED STATES OF AMERICA	*	
Plaintiff,	*	
v.	*	Crim. No. 05-20103-MI
YAW OPARE DIGGS,	*	
Defendant.	*	
	*	

LEGAL NOTICE

Take notice that on _____, the United States District Court for the Western District of Tennessee, Western Division, entered a Preliminary Order of Forfeiture ordering that all right, title and interest of the defendant Yaw Opare Diggs in the following property be forfeited to the United States to be disposed of in accordance with law:

The sum of sixteen thousand dollars (\$16,000.00) in United States currency.

The United States intends to dispose of this property in such matter as the Attorney General or his delegate may direct. Any person, other than the defendant, having or claiming a legal interest in the above-listed forfeited property must file a petition with the Court within thirty (30) days of the final publication of this notice or of receipt of actual notice, whichever is earlier. The petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in each of the forfeited properties and any additional facts supporting the petitioner's claim and relief sought.



Notice of Distribution

This notice confirms a copy of the document docketed as number 29 in case 2:05-CR-20103 was distributed by fax, mail, or direct printing on November 28, 2005 to the parties listed.

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Honorable Jon McCalla
US DISTRICT COURT